

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE
CRIMINAL WRIT PETITION NO. 298 OF 2007
Shri Rajendrakumar Agarwal ..Petitioner
Vs.
The State of Maharashtra and anr. ..Respondents
Mr. Niranjan Mundargi for petitioner.
Mr. D.R. More, APP for State.
Mr. P.M. Mokashi for respondent no.2.
CORAM: B.H. MARLAPALLE, J.
Date : July 24, 2007.

P.C.:

1. Heard Mr. Mundargi the learned counsel for the petitioner. It is clear from the record that in Complaint (ULP) No. 6 of 2002 filed by the present respondent no.2, an application under Section 30(2) of the M.R.T.U. & P.U.L.P. Act, 1971 (for short the Act) was filed and it was allowed by the Labour Court. This order was not implemented and, therefore, criminal case came to be filed under Section 48 of the Act against the petitioner. The learned Judge of the Labour Court issued process and the order of process was challenged in Criminal Revision Application No.

81 of 2002 filed under Section 44 of the Act. In fact, in the revision it was prayed to recall the order of process. The learned Member of the Industrial Court while dealing with the revision application noted that his powers were limited under Section 44 of the Act and unless a prima facie case was made out that the order of process was patently illegal or perverse, there was no reason to cause interference in the same.

2. Admittedly, the order passed under Section 30(2) in Complaint (ULP) No.6 of 2002 could have been challenged by M/s. New Era Fabrics Ltd. and if the said order was not implemented, the trial court has no alternative but to issue process in a complaint filed under Section 48 of the said Act. Therefore, the learned Judge of the Labour Court could not be faulted in issuance of process and the Industrial Court rightly dismissed the revision application.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)